

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 FEA-01 ACDA-07 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 EPG-02 COME-00
DLOS-09 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05
FMC-01 TRSE-00 H-01 INR-07 INT-05 IO-13 JUSE-00
L-03 NSAE-00 NSC-05 NSF-01 OES-07 OMB-01 PA-01
PM-04 PRS-01 SP-02 SS-15 NSCE-00 SSO-00 USIE-00
INRE-00 /119 W

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FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC IMMEDIATE NIACT 4129

C O N F I D E N T I A L SECTION 01 OF 02 OTTAWA 06372

EO 11652: GDS

TAGS: EFIS, CA

SUBJECT: BOUNDARY AND FISHERY NEGOTIATIONS WITH CANADA

REF: OTTAWA 6302

1. MET GOTLIEB THIS MORNING TO RESOLVE DIFFERENCES IN
"ELEMENTS" PAPER. TOWE AND COPITHORNE WERE PRESENT ON GOC
SIDE AND DAY ON U.S. SIDE. FOLLOWING IS OUR REVISED TEXT
WHICH WE AGREED TO ON AD REFERENDUM BASIS:

2. BEGIN QUOTE. ELEMENTS OF CANADA/USA MARITIME NEGOTI-
ATIONS.

SCOPE OF NEGOTIATIONS:

WITH THE VIEW TO REACHING A NEGOTIATED SETTLEMENT BETWEEN
THEM, THE CANADIAN AND UNITED STATES GOVERNMENTS ARE
APPOINTING SPECIAL NEGOTIATORS TO CONDUCT AD REFERENDUM ON
BEHALF OF EACH GOVERNMENT, NEGOTIATIONS ENCOMPASSING:

(A) MARITIME BOUNDARIES DELIMITATION

(B) FISHERIES

(C) HYDROCARBON RESOURCES

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(D) SUCH OTHER RELATED MATTERS AS THE TWO GOVERNMENTS MAY
DECIDE.

SALMON INTERCEPTION NEGOTIATIONS:

THE SALMON INTERCEPTION NEGOTIATIONS WILL BE RESUMED
SEPARATELY ON A PRIORITY BASIS. HOWEVER, THE SPECIAL
NEGOTIATORS WILL BE FREE TO DETERMINE THE RELATIONSHIP, IF

ANY, BETWEEN THE SALMON NEGOTIATIONS AND THE OTHER NEGOTIATIONS.

TIME FRAME FOR NEGOTIATIONS:

(A) THE NEGOTIATIONS WILL COMMENCE NOT LATER THAN AUGUST 1.

(B) THE NEGOTIATORS WILL REPORT TO GOVERNMENTS BY OCTOBER 1, 1977 ON THE ELEMENTS OF A COMPREHENSIVE SETTLEMENT AND WILL PRESENT TO GOVERNMENTS BY DECEMBER 1, 1977, THE SUBSTANCE OF AN AD REFERENDUM COMPREHENSIVE SETTLEMENT.

FORMAT OF THE NEGOTIATIONS:

THE SPECIAL NEGOTIATORS WILL ORGANIZE AND CONDUCT THE NEGOTIATIONS IN THE MANNER AND IN THE PLACES WHICH THEY JUDGE WILL BEST FACILITATE A SETTLEMENT. END QUOTE.

3. I BEGAN OUR DISCUSSION BY STRESSING THAT WASHINGTON IS SOMEWHAT MYSTIFIED WHY GOC IS RELUCTANT TO SPELL OUT CLEARLY WHAT THE NEGOTIATORS SHOULD SEEK TO ACCOMPLISH. WE BELIEVE THAT, BY AIMING FOR A COMPREHENSIVE AGREEMENT, NEGOTIATORS WOULD BE ABLE TO CONSIDER TRADE-OFFS AND THAT THE CONCEPT OF PACKAGE AGREEMENT IS IMPORTANT TO US. IN RESPONSE, GOTLIEB INDICATED THAT JAMIESON HAD DIFFICULTIES IN PERSUADING HIS CABINET COLLEAGUES, PARTICULARLY THOSE FROM MARITIME AREAS ON IDEA OF COMPREHENSIVE NEGOTIATIONS AND THAT SOME, IN FACT, WANTED TO GO STRAIGHT TO THIRD PARTY ADJUDICATION AND SOME ARGUED FOR DELETING FISHERIES AND HYDROCARBONS FROM NEGOTIATIONS. IT WAS ONLY WITH CONFIDENTIAL

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GREAT EFFORT THAT JAMIESON HAD OBTAINED AGREEMENT ON CANADIAN VERSION OF ELEMENTS PAPER (OTTAWA 6017). THUS, IT WOULD BE RISKY TO GO BACK TO MINISTERS NOW ON ANY SIGNIFICANT CHANGES IN THIS PAPER. GOTLIEB ALSO EMPHASIZED THAT GOC WANTS SPECIAL NEGOTIATORS TO REACH A NEGOTIATED SETTLEMENT, BUT IT IS UNREALISTIC TO EXPECT THEM TO DEVELOP THE TEXT OF AN AGREEMENT IN THREE MONTHS.

4. AFTER CONSIDERABLE DISCUSSION, I SUGGESTED THAT WE USE A TWO-STAGE APPROACH, AND WE FINALLY AGREED AD REFERENDUM ON THE WORDING IN (B) OF "TIME FRAME OF NEGOTIATIONS". FRANKLY, I THINK IT MEETS OUR CONCERNS AND IT IS PROBABLY MOST WE CAN EXPECT CANADIANS TO BUY. SUBSEQUENTLY, COPITHORNE MENTIONED PRIVATELY THAT HE IS UNCERTAIN EXTAFF CAN PERSUADE OTHER DEPARTMENTS TO ACCEPT THIS LANGUAGE.

5. RE "SALMON INTERCEPTION NEGOTIATIONS", I INDICATED I THOUGHT WE COULD ACCEPT CANADIAN VERSION OF (B), PROVIDED IT WAS UNDERSTOOD THAT BOTH NEGOTIATORS WOULD HAVE TO AGREE WHETHER THERE WAS LINKAGE BETWEEN SALMON AND OTHER NEGOTIATIONS. I STRESSED THAT WHAT WE CLEARLY WANTED TO AVOID WAS HAVING SALMON NEGOTIATIONS BECOME A STUMBLING

BLOCK IN REACHING PROGRESS ON OTHER ISSUES. COPITHORNE AGREED WITH THIS POINT, BUT SAID IT WAS CONCEIVABLE CERTAIN ASPECTS OF SALMON QUESTION MIGHT RELATE TO OTHER ISSUES AND, THEREFORE, NEGOTIATORS SHOULD BE ABLE TO CONSIDER THEM IN BROADER CONTEXT.

6. "OTHER RELATED ISSUES". CANADIANS HAD PROBLEM WITH GIVING NEGOTIATORS AUTHORITY TO DECIDE ON "OTHER RELATED ISSUES". I RECOMMEND WE ACCEPT "AS GOVERNMENTS MAY DECIDE", AND I BELIEVE "SUCH OTHER RELATED ISSUES" IS BROAD ENOUGH TO INCLUDE BOTH ENVIRONMENTAL AND MARITIME

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MATTERS, BOTH OF WHICH WE DISCUSSED SPECIFICALLY AS FALLING INTO THIS CATEGORY.

7. PRESS RELEASE. WE REACHED NO CONCLUSION ON WHETHER ALL OR ONLY SOME POINTS OF AN AGREED "ELEMENTS" PAPER SHOULD BE CONTAINED IN PRESS RELEASES BY TWO GOVERNMENTS ANNOUNCING APPOINTMENT OF SPECIAL NEGOTIATORS. WE NEED DEPARTMENT'S VIEWS ON THIS QUESTION, AS WELL AS COMMENTS ON "ELEMENTS" PAPER. ENDERS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NEGOTIATIONS, FISHING AGREEMENTS
Control Number: n/a
Copy: SINGLE
Sent Date: 15-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977OTTAWA06372
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770252-1185
Format: TEL
From: OTTAWA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770753/aaaabtmp.tel
Line Count: 163
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 7547c06a-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 OTTAWA 6302
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 22-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1849042
Secure: OPEN
Status: NATIVE
Subject: BOUNDARY AND FISHERY NEGOTIATIONS WITH CANADA
TAGS: EFIS, CA, US
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/7547c06a-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009